IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHT DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 20178 of 2002

Between:

1. S.Venkataramana S/o. Subbanna
Thummarakunta Village, P.T.M.Mandal,
Chittoor District.
2 Nallacheruve Venkata Reddy S/o.Chowdappa
Thummarakunta Village, P.T.M.Mandal,
Chittoor District.
3 P.Narsimha Reddy, S/o.Byreddy
Ramapuram Village, P.T.M.Mandal,
Chittoor District.
4 M.B.Siva Reddy, S/o.Bayya Reddy,
Ramapuram , H/O. T.Sadum P.T.M.Mandal,
Chittoor District.
5 G.Bayya Reddy S/o.Sitharamappa
Ananthapuram, H/O. T.Sadum Village, P.T.M.Mandal,
Chittoor District.
6 B.Bayya Reddy S/o.Pedda Venkatappa,
Ramapuram, H/O. T.Sadum, P.T.M.Mandal,
Chittoor District.
7 B.Reddappa S/o.Maddireddy
Ramapuram, H/O. T.Sadum, P.T.M.Mandal,
Chittoor District.
8 B.Muniswamy S/o.Chinna Venkatarayappa
Ramapuram, H/O. T.Sadum, P.T.M.Mandal,
Chittoor District.
9 G.Anjaneya Reddy S/o.Kittanna
Anantapur, T.Sadum Village, P.T.M.Mandal,
Chittoor District.
10 Vidhaluri Ramachandra Sharma S/o.Subramanya Sharam,
Anantapur, T.Sadum Po., P.T.M.Mandal,
Chittoor District.
11 B.Venkataramana Reddy, S/o.Venkatrayappa
Ramapuram, P.T.M.Mandal,
Chittoor District.
12 P.Venkatasiva Reddy S/o.P.Chengappa,
Chennarayunipalle, P.T.M.Mandal,

Chittoor District.

..... PETITIONERS

AND

1 The Chairperson, District Sand Committee/Chairman,
Zilla Parishad, Chittoor.
2 The Sub-Collector,
Madanapalle, Chittoor district.
3 The Executive Engineer Irrigation (CAD)
Madanapalle, Chittoor district.
4 The Deputy Executive Engineer R.W.S(Projects)
Sub-Division, Madanapalle, Chittoor district.
5 C.Narayana Reddy, S/o.Anjan Reddy
R/o.Jonnalakothapalli Village, Mudigubba Mandal,
Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus holding that the lifting the sand in Papagni River at T.Sadum Village, P.T.M.Mandal, Chittoor District in pursuance of the agreement dated:29.7.2002 as illegal, arbitrary, contrary, to the G.O.Ms.NO.356 Industries and commerce, dt:22.11.1999 and offends Art.21 of the constitution of India.

Counsel for the Petitioner:MR.D.KODANDARAMI REDDY

Counsel for the Respondent Nos.1 to 4: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No.5: - None appeared

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20178 OF 2002

ORDER:

By notification dt.8.2.2002 first respondent herein invited participation in the tender-cum-open auction to lease out right to collect seignorage from the contractors transporting sand from various reaches, including the reaches in the villages in P.T.M.Mandal, Chittoor District, through which River Papagni passes. In the auction conducted on 28.2.2002 fifth respondent became successful bidder and he was granted right to collect seignorage for a period of one year. It is the case of the petitioners that fifth respondent is resorting to quarrying operations in violation of the regulations which is resulting in depletion of water in the bore wells of the petitioners and therefore they filed the Writ Petition seeking a Writ of Mandamus declaring the action of the respondents in lifting the sand in Papagni River at T.Sadum Village

pursuant to agreement dt.29.7.2002, as illegal and arbitrary.

This Court while admitting the Writ Petition passed orders in W.P.M.P.No.25322 of 2002 dt.10.10.2002 directing respondents 1 to 4 to ensure that fifth respondent should not affect water bodies such as bore wells etc., and should not quarry deeper than two meters from surface. Be that as it is, the lease itself is given for a period of one year upto 29.7.2003. In that view of the matter, nothing survives in the Writ Petition.

The Writ Petition is accordingly dismissed as infructuous. No costs.

_____

(V.V.S.RAO, J)

8.9.2004

bnr

To

1 The Chairperson, District Sand Committee/Chairman,
Zilla Parishad, Chittoor.
2 The Sub-Collector,
Madanapalle, Chittoor district.
3 The Executive Engineer Irrigation (CAD)
Madanapalle, Chittoor district.
4 The Deputy Executive Engineer R.W.S(Projects)
Sub-Division, Madanapalle, Chittoor district.

5 2 CCs to GP for Panchayat Raj and Rural Development, High Court Bldgs.,

Hyderabad (OUT)

6 2 CD copies